

MEETING OF THE
DISTRICT OF COLUMBIA STATEHOOD
CONSTITUTIONAL CONVENTION

- - -

Tuesday, May 11, 1982

6:43 p.m.

Ninth Floor Auditorium
10th and E Streets, Northwest
Washington, D. C.

P R O C E E D I N G S

(6:43 p.m.)

PRESIDENT CASSELL: I call the convention to order.
A moment of meditation.

(A moment of meditation.)

PRESIDENT CASSELL: Mr. Secretary, please call the roll.

(Secretary Cooper called the roll as follows:)

Mr. Baldwin, here; Mr. Barnes, here; Mr. Blount, present; Mr. Bruning, here; Mr. Cassell, present; Mr. Clark, no response; Mr. Coates, present; Mr. Cooper, present --

MR. COOPER: Mr. President, they are making too much noise.

PRESIDENT CASSELL: The Secretary is having difficulty hearing the responses. Could we be a little quieter during the roll call? Thank you.

(Secretary Cooper continued the roll call as follows:)

Ms. Corn, here; Mr. Croft, no response; Ms. Eichhorn, here; Ms. Feeley, present; Ms. Freeman, here; Mr. Garner, here; Ms. Graham, here; Ms. Harris, here; Ms. Holmes, here; Mr. Jackson, present; Ms. Johnson, present; Ms. Jones, here; Mr. Jordan, here; Mr. Kameny, here; Ms. Lockridge, no response; Mr. Long, here; Mr. Love, here; Ms. Maguire, here;

Mr. Marcus, no response; Mr. Mason, no response; Ms. Mason, no response; Mr. B. Moore, present; Mr. J. Moore, no response; Ms. Nahikian, no response; Mr. Nixon, here; Mr. Oulahan, here; Ms. Paramore, here; Mr. Robinson, no response; Mr. Rothschild, here; Mr. Schrag, here; Ms. Shelton, no response; Ms. Simmons, no response; Ms. Street, here; Mr. Terrell, here; Mr. Thomas, no response; Ms. Warren, here.

MR. T. MOORE: You didn't call Talmadge Moore.

MR. COOPER: Delegate Talmadge Moore?

MR. T. MOORE: Here.

MR. COOPER: Mr. President, 33 delegates answering the roll.

PRESIDENT CASSELL: There being 33 delegates answering the roll, the convention is now in session.

MS. JOHNSON: Point of information.

PRESIDENT CASSELL: Yes, point of information.

MS. JOHNSON: I would like to know if the court reporter starts when we start our roll call.

PRESIDENT CASSELL: Yes, she does.

MS. JOHNSON: It would seem to me, just making a suggestion, and since you have told us in the past how much this costs the convention, we might start our recording after the roll call is completed and the Secretary account for the

people who are present.

PRESIDENT CASSELL: I'd like to be able to do that, but the record really does have to reflect the number of people who are there.

MS. JOHNSON: I'm suggesting that the secretary do that and that that does not have to be a part of the court record.

PRESIDENT CASSELL: I'm sorry. I didn't hear your last -- the response to the roll call has to be in the record. What did you say we should do in that event?

MS. JOHNSON: I was suggesting that since you have brought to our attention the cost of doing that, someone else in an official capacity -- I was suggesting our official secretary -- record who is present for the purpose of serving the same purpose, except that it wouldn't have to be printed by the official recorder.

PRESIDENT CASSELL: I see; thank you.

I want to thank all the people who were here on time today at 6:00, and I assume that there were several. I want to indicate also that the Executive Committee, or most of them, were here on time, too. The reason we're meeting late today is that we had a meeting starting at 5:30 or shortly thereafter to develop a procedure to accommodate the

Style and Drafting Committee's coverage of these readings.

In other words, we have a procedure now that we developed over the last couple of hours while you were waiting patiently here which will allow each page, as it is amended, to immediately go to the word processor and to have the changes reflected, to have 45 copies of those made so that we can see them the next day and verified what happened, and have them immediately go into a process of editorializing on the Style and Drafting Committee, and hopefully to make it possible at the end of the convention, when we have completed our reading of the articles -- very shortly thereafter, we will have an accurate document which reflects all the changes.

Delegate Kameny?

MR. KAMENY: I couldn't be more delighted to hear that; it anticipates something I was going to ask about. My one question is, will that process in any way be able to be made retroactive to work already done in these first readings, because some of us in Style and Drafting are waiting anxiously for just such working documents so that we can start editing?

PRESIDENT CASSELL: Yes. Your need for those past documents is one of the things that prompted this session today. A part of their responsibility is to crank in what has already transpired. I don't think they can tell you when, but

certainly what happens tonight ought to be available to us some time tomorrow. That isn't your final document, but at least you can see what happened.

MR. KAMENY: Yes.

PRESIDENT CASSELL: Then it has to be corrected once more and then it has to go to editorializing.

We left off last night with the completion of the question and answer period for the article on the legislature, and tonight we are to begin the whole debate and the process of voting on and amending the sections of the article that were read to us, of which there were three last night.

Delegate Barnes?

MR. BARNES: I have question that you mentioned earlier about opening up the floor --

PRESIDENT CASSELL: Delegate Barnes, will you hold just a minute? Give us a little time to settle down here so we can hear. I can't hear you, to tell the truth. Can we all be seated now? Delegate Love, please, no noise. Will everybody please whisper who just must talk to somebody else?

Delegate Barnes?

MR. BARNES: You had mentioned the two-week extension or something like that?

PRESIDENT CASSELL: Delegate Baldwin has a report

that he will give to us. You will recall that I announced the Saturday before last that the Executive Committee and the chairpersons voted that we should recommend a two-week extension.

MR. BARNES: Right.

PRESIDENT CASSELL: Rather than to give you that without any details as to how we should use it, delegate Baldwin, working presumably with the Rules and Calendar Committee, will make to us a report tonight which justifies that extension and indicates how we will compress our activities, with a view toward finishing our work within that two-week extension.

Delegate Baldwin is not going to be with us all of tonight. Just before we recess tonight, whatever time that is, he will make his report to us.

MR. BARNES: But we won't vote on anything as the convention?

PRESIDENT CASSELL: No. I think we'll give ourselves a chance to hear it and discuss it, and vote on it tomorrow. Otherwise, we'll use the rest of the night debating.

MR. BARNES: Okay.

PRESIDENT CASSELL: We'll try to debate that at the

beginning of the session tomorrow afternoon.

MR. BARNES: Okay.

PRESIDENT CASSELL: Okay. Delegate Terrell, we are now ready for the formal debate, and we'll let you conduct that, unless things get out of hand.

MR. TERRELL: Thank you very much.

President Cassell, just two points of information; number one, to introduce Mr. Lee Smith, who is secretary with the committee and who has joined us today; and also to share with the delegates the fact that the committee worked, as I said, very hard in order to provide the convention with this draft article -- specifically, delegate Hilda Mason, who is absent tonight because of a legislative session at the City Council, but who permitted us to use her office staff in order to duplicate the copies for the initial draft which was circulated to the convention; and, also, delegate Wesley Long, who gave up his stipend so that we could pay for xeroxing; also, our secretary, Mrs. Karen Gibner, who is not with us now, but we had her services during the committee process; also, delegate Phil Scrag who assisted us by utilizing his office staff so that we could also be able to have a fresh draft for every committee meeting. Thank you, Mr. President.

Shall I read the sections as they are moved?

PRESIDENT CASSELL: Yes, yes; you read them and offer a motion to adopt, to be discussed and amended.

MR. TERRELL: Section 1, "Legislative Power," reads "The legislative power of the State shall be vested in the Senate." Fellow delegates, I move the adoption of Section 1.

(The motion was duly seconded.)

PRESIDENT CASSELL: It has been moved and seconded that Section 1 be adopted. Discussion? Bruning, Rothschild.

MR. BRUNING: I would offer as a substitute, for the word "Senate," the word "House."

(The motion was duly seconded.)

MR. BRUNING: That would be a change that would occur whenever the word "Senate" shows up in the document. I'd like to speak to that.

I think the word "House" gets, I think, the legislature closer to the feel that I have for it, which is a representative body primarily of the people. "Senate" in and of itself has a connotation that generally speaks to a higher body further removed from the general body as a whole, as opposed to the House of Representatives which is generally considered the people's body.

Traditionally, "Senate" has been far more elitist, has been the bastion of privilege, and has been the bastion of

wealth. So, I would suggest that "House" would be much more in keeping with following the potential title, and I think say more of what this body is supposed to be doing. So, I would move that the word "House" be substituted.

PRESIDENT CASSELL: Rothschild?

MR. ROTHSCHILD: Pass.

PRESIDENT CASSELL: Corn?

MS. CORN: Am I next?

PRESIDENT CASSELL: Yes.

MS. CORN: I would make a substitute motion.

Instead of the word "Senate," I would move the word "Assembly" as a substitute motion.

PRESIDENT CASSELL: One moment. Delegate Bruning, you made a suggestion, is that right?

MR. COOPER: No; he made a motion.

MR. BRUNING: I made a motion.

PRESIDENT CASSELL: Did that motion get a second?

MR. COOPER: Yes.

MS. HARRIS: Yes; Cooper seconded.

PRESIDENT CASSELL: All right, okay. It has been moved and seconded as a substitute motion, and that substitute motion is that, "The legislative power of the State shall be vested in the House." Delegate Bruning, is it just that one

word, "House?"

MR. BRUNING: "House," subject to amendments.

PRESIDENT CASSELL: Okay. Discussion?

MS. CORN: He made that as an amendment. I'm making a substitute motion.

PRESIDENT CASSELL: You can't have a substitute to a substitute. We'll have to discuss that and vote it up or down.

MS. CORN: His was an amendment. Point of order. His was an amendment. I may make a substitute motion to his amendment, and my substitute motion is that wherever the word "Senate" appears, the word "Assembly" replace it.

MS. HARRIS: No. He's a substitute; he's substituting one word for the other.

PRESIDENT CASSELL: Well, let's see now. The motion is, "The legislative power of the State shall be vested in the Senate." The motion by Bruning was to change one word to "House." The Chair thinks that that is an amendment; it is not a substitute motion, right?

MS. CORN: That's right, and then I can make a substitute motion.

PRESIDENT CASSELL: Yes, you can.

MS. CORN: And my substitute motion is that in line

2 where it says "Senate," it say "Assembly." Thereafter, wherever the word "Senate" is, the word shall be replaced with the word "Assembly."

PRESIDENT CASSELL: Is there a second to that motion?

(The motion was duly seconded.)

PRESIDENT CASSELL: Okay.

MS. CORN: Now, may I speak to my motion?

PRESIDENT CASSELL: The substitute motion is to substitute for the word "House" in Bruning's motion, the word "Assembly." You may speak to your motion.

MS. CORN: The reason I would say "Assembly" is when you talk about a Senator -- if you leave the word "Senate," you shall always have to then refer to whether it's a state senator or the United States Senator from the State of Columbia, or whatever we call ourselves, whereas if you say "Assembly," you're either going to be an assembly man or an assembly woman, and it cannot be confused with a Senator.

I would speak also against the use of "House" because, again, you'll have the same confusion with a representative being a representative to the United States House of Representatives as opposed to --

PRESIDENT CASSELL: Okay. You've made the motion

and you can speak for your own motion. You don't have to speak against -- you've got a new one, right?

MS. HARRIS: Point of information.

PRESIDENT CASSELL: Point of information. State your point, please.

MS. HARRIS: My point of information to delegate Corn is how can you have a United States Senator from the state of whatever? You said there would be confusion in whether the person was a United States Senator or a state senator from the state, and I'm asking how can you have a United States Senator from the State of Columbia?

MR. KAMENY: We'll be electing two, like any other state.

MS. CORN: We'll be electing two, like every state has. Every state has two Senators in the United States Congress. So, you'll have Senator so-and-so from the State of Columbia, and if you leave this "Senate," then you'll also have senator so-and-so from the district of Chevy Chase or Anacostia, or whatever, and it'll become confusing, where it'll be a state senator, whereas "Assembly man" will not have any confusion with anything else.

PRESIDENT CASSELL: Further discussion on the Corn substitute motion? Garner, Brian Moore.

MR. GARNER: I understand the committee's preference for the word "Senate," coming from Nebraska. But I prefer, probably, the motion by delegate Corn for "Assembly." I think we can talk about assembly men and assembly women. It will not, in the Washington Post or other local newspapers, be confused with Senators and Congressmen, and I urge the body to adopt that proposal.

PRESIDENT CASSELL: Further discussion on the Corn amendment? Brian Moore?

MR. B. MOORE: Point of information for Ms. Corn. Could you see any difference between the words "Assembly" and "Legislature?"

MS. CORN: "Legislature" would be fine. That way, both the male and female members could be called "legislator" -- legislator Smith, legislator Feeley, legislator Baldwin, legislator et cetera.

PRESIDENT CASSELL: Are we ready to vote on this?

MR. B. MOORE: I too would like to speak in favor of the motion on the floor, not so much because of the confusion of the federal and state legislators, but because of the fact that it's an encompassing term that would indicate much more a unicameral type of structure than a bicameral.

MS. CORN: May I speak about that?

PRESIDENT CASSELL: I recognize delegate Talmadge Moore.

MR. T. MOORE: Mr. President, I'm going to rise to speak against this motion. I think the word "Senator" is traditional, it's true, but it represents one of the highest bodies in the United States, and normally the assemblyman is concerned as in the House.

And if we should have one body, one chamber, I think the word "Senator" is appropriate. It's prestigious, it's traditional, and I don't see any difference between a state senator -- that is, the terminology of getting them mixed up -- and a U.S. Senator. It's prevalent and it prevails within the U.S., so I ask you to vote against this amendment.

PRESIDENT CASSELL: Anybody else against the motion? Delegate Warren?

MS. WARREN: I would like to speak against that amendment because I concur with delegate Moore that the word "Senate" represents the highest lawmaking body in the state, and there are a number of other states that use the word "Senate" and have U.S. Senators, and people don't seem to get confused there. So, why should we even think of ourselves as being confused here?

I think, too, that we should think more highly of ourselves in terms of having the highest body. I don't like the word "Assembly" because it's a second house. We are proposing one house, and I would like to see that as "Senate."

PRESIDENT CASSELL: Okay. We've had three for and two against. May we vote on this now?

MR. BARNES: Point of information.

PRESIDENT CASSELL: Point of information, delegate Barnes?

MR. BARNES: Is "Assembly" on the floor as an amendment?

PRESIDENT CASSELL: It is a substitute motion to the amendment, and the amendment was "House."

MS. CORN: President Cassell?

PRESIDENT CASSELL: No, no; one apiece now. We've qualified that.

MS. CORN: May I speak last in the debate to answer the charges that have been raised?

PRESIDENT CASSELL: No. You have spoken once.

Those in favor of the Corn amendment to substitute for the word "House" in Section 1, signify by raising your hands.

MR. COOPER: Substitute "Assembly" for the word --

PRESIDENT CASSELL: No, no, no.

MS. CORN: Mine is "Assembly."

MS. HARRIS: Hers is "Assembly."

PRESIDENT CASSELL: I'm sorry.

MR. BARNES: Point of order. Her motion was "Assembly," not "House."

PRESIDENT CASSELL: Yes; I'm sorry. To substitute for the word "House" --

MS. CORN: "Senate."

MR. KAMENY: "Senate."

PRESIDENT CASSELL: No, no, no -- for the word "House," which is the motion. She is substituting for that, right? The motion on the floor at the time was to change the word "Senate" to "House." Hers is to substitute the word "Assembly" for "House."

Those in favor of that motion, signify by raising your hands.

MR. COOPER: Eleven.

PRESIDENT CASSELL: Eleven. Those opposed?

MR. COOPER: Eighteen.

PRESIDENT CASSELL: Eighteen. Those abstaining?

(No response.)

PRESIDENT CASSELL: Okay, the motion loses. We're

back to the original amendment, and that is delegate Garner's amendment which changes the word --

MR. COOPER: Bruning.

MS. HARRIS: Bruning.

PRESIDENT CASSELL: Was it Bruning? I'm so sorry, please -- which changes the word "Senate" to "House." Those in favor of changing the word "Senate" to "House" --

MS. NAHIKIAN: Can we have discussion, Mr. President?

MS. HARRIS: We haven't discussed that at all.

PRESIDENT CASSELL: Do you really want to discuss? All right. Yes, you may discuss.

MR. JORDAN: Point of information.

MS. CORN: Point of information.

PRESIDENT CASSELL: Point of information, Jordan?

MR. JORDAN: Mr. Chairman, is this amendment -- I don't know if I heard it correctly -- is this amendment the Garner amendment, which I didn't hear, or is it the Bruning amendment?

PRESIDENT CASSELL: I was mistaken; it's Bruning's.

MR. JORDAN: Okay, thank you.

PRESIDENT CASSELL: And that is to change "Senate" to "House." Nahikian?

MS. NAHIKIAN: Mr. President, I would like to speak

in support of the motion to change the name of our legislative body to "House," particularly if we are going to be looking at a unicameral structure. I think that it's very important that that structure reflect the legislative structure that is as close as possibly to the citizenry, and that's an issue that we certainly have dealt with in the local government draft as will be reported out.

I believe that the term "House" is more appropriately reflective of that than is the term "Senate," and I think that it is more reflective of a structure that would be closely accountable to the citizenry. So, I would support delegate Bruning's motion.

PRESIDENT CASSELL: Anyone from the committee? Delegate Moore?

MR. T. MOORE: Mr. President, there is nowhere in my reading -- and I think I read these constitutions very thoroughly -- that I'll find any such thing as a "House." It's always the house of delegates or assemblyman. So, I speak very strongly against the motion, and hope that you all would retain the word "Senate."

PRESIDENT CASSELL: Delegate Corn?

MS. CORN: I move a substitute amendment; instead of "House," "Legislature."

PRESIDENT CASSELL: Is there a second to that substitute motion?

(No response.)

PRESIDENT CASSELL: The motion dies for the lack --
(The motion was duly seconded.)

PRESIDENT CASSELL: -- of a second.

MS. CORN: Excuse me; point of order. Brian Moore seconded it.

PRESIDENT CASSELL: Delegate Moore, did you second that before I said "it dies for the lack of a second?"

MR. B. MOORE: At the same time.

MR. KAMENY: Just as you were saying it.

PRESIDENT CASSELL: At the same time?

MR. KAMENY: As you were saying it.

MS. CORN: As you were saying it.

PRESIDENT CASSELL: You win this time, all right? It has been moved and seconded that the word "House" in the amendment be changed to "Legislature." Discussion?

MS. CORN: May I speak to my amendment?

PRESIDENT CASSELL: Yes, you may.

MS. CORN: I would suggest that we have the word "Legislature" for a number of reasons. First of all, it is not a foregone conclusion that this shall, in fact, be a

unicameral house. If it is, the word "Legislature" certainly is fine, and those who are members thereof are legislators.

If, in fact, we vote later on to have a bicameral house, the legislature may be broken up into two houses, the upper and lower, the assembly and senate, or however we want to do it.

I also would say that the idea of using a house would make people representatives and, again, creates the kind of confusion that the word "senator" would create. And I would also say that if you use the word "House" and we do subsequently vote to have a bicameral house, you're really going to have problems dividing the house.

PRESIDENT CASSELL: Okay, fine. Delegate Garner, delegate Blount.

MR. BLOUNT: I move to table this amendment by our esteemed delegate from Ward 3.

(The motion was duly seconded.)

PRESIDENT CASSELL: It has been moved and seconded that the substitute motion by delegate Corn be tabled. Those in favor?

(A chorus of "ayes.")

PRESIDENT CASSELL: Those against?

(There were two "nays.")

PRESIDENT CASSELL: Abstain?

(No response.)

PRESIDENT CASSELL: Okay. The first amendment is on the floor again, and that is -- is there further discussion on the substitution of "House" for "Senate?" Barnes?

MR. BARNES: Yes. I'd like to make an amendment to the substitution motion just to say "House of Delegates."

(The motion was duly seconded.)

MR. BRUNING: I accept it as a friendly amendment.

MR. BARNES: The maker of the motion accepts that as a friendly amendment.

PRESIDENT CASSELL: It has been moved and seconded that this be "House of Delegates" rather than "House."

MR. LOVE: Mr. Chair?

PRESIDENT CASSELL: Yes?

MR. LOVE: If we name this either the Senate or the House of Delegates, it would appear to me that we've adopted a unicameral structure. Is that true or not true?

PRESIDENT CASSELL: Not necessarily. You could have a house of delegates and you could have a senate; it's just an appellation for whatever it is.

MS. EICHORN: Point of information.

PRESIDENT CASSELL: Point of information.

MS. EICHHORN: If we adopt Section 1, will we not have adopted a unicameral legislature?

PRESIDENT CASSELL: Yes, you would have. Would you care to speak to that?

MS. EICHHORN: No.

PRESIDENT CASSELL: That's a significant point that nobody has mentioned before. Ms. Eichhorn, the response to your question is, if we adopt Section 1, you have a unicameral legislature. Do you want to speak to that?

MS. EICHHORN: I support that.

PRESIDENT CASSELL: Further discussion on the Barnes amendment, and that is to call it a "House of Delegates?"

(No response.)

PRESIDENT CASSELL: Those in favor of that substitute motion, signify by raising your hands.

(Pause.)

PRESIDENT CASSELL: Twelve "for." Those opposed?

MR. COOPER: Sixteen.

PRESIDENT CASSELL: Please, please, anybody speaking here during this vote is out of order.

Those abstaining?

(No response.)

PRESIDENT CASSELL: Okay, the motion loses. We're back to the original amendment, and that is to substitute for the word "Senate," "House." Further discussion?

MS. HARRIS: We're back to "Senate."

PRESIDENT CASSELL: "House" hasn't lost yet.

MS. HARRIS: It just lost.

PRESIDENT CASSELL: That was "House of Delegates."

MS. HARRIS: He accepted a friendly amendment.

(Pause.)

PRESIDENT CASSELL: The amendment on the floor now is the original amendment made by delegate Bruning, isn't that right?

MS. FREEMAN: Charlie, no. He had a friendly amendment. The friendly amendment was "House of Delegates."

MS. HARRIS: We just defeated that.

MS. FREEMAN: Now, we're back to "Senate."

PRESIDENT CASSELL: The Chair stands corrected. A friendly amendment changed "House" to "House of Delegates." That was defeated; we're back to "Senate." The motion on the floor now is to adopt Section 1 as written, "The legislative powers of the State shall be vested in the Senate." Those in favor --

MS. CORN: Discussion.

MS. NAHIKIAN: Further amendments.

PRESIDENT CASSELL: Delegate Eichhorn?

MS. EICHHORN: I call the question.

(The motion was duly seconded.)

MR. COOPER: There was discussion.

PRESIDENT CASSELL: I'm not going to allow it with no discussion at all. I'll just rule that out of order; there needs to be some discussion.

Discussion on the article on the floor, Section 1? Nahikian?

MS. NAHIKIAN: Mr. President, I would rise to speak to the delegates after realizing delegate Eichhorn's point of information which indicates that it is the sense of the body that if we adopt Section 1 as it is now stated, it would be a foregone conclusion that we have adopted a unicameral form of legislature.

That is a point of concern for me because I think there needs to be some substantive discussion. If that is, in fact, the case, I do have an amendment to offer at this point.

MS. CORN: The question has been called.

MS. NAHIKIAN: The question has not been called.

MS. CORN: She called the question.

MS. NAHIKIAN: He ruled it out of order.

PRESIDENT CASSELL: Wait a minute. If we vote for this, then we would have a unicameral legislature since it says "The legislative power shall be vested in something," be it the Senate or something else.

Delegate Long?

MS. NAHIKIAN: Is that the sense of legal counsel?

MR. LONG: I disagree with that interpretation.

Section 2 deals with the question of whether there is one or two houses by calling for one. If we should adopt something different than is in Section 2, then we have adopted contradictory sections, which is just the same kind of problem you get between articles from different committees. That has to be resolved, so there has been nothing decided here by adopting it now.

MS. NAHIKIAN: Mr. President, could you tell me if my amendment on the issue of a single chamber or a dual chamber is in order at this time? I need direction.

MR. TERRELL: That's in Section 2.

PRESIDENT CASSELL: Yes, I'm sure it would be in order. Let me get a little clarification.

Mr. Counsel, there seems to be some difference of opinion as to whether, if we adopted this as it is, it defines

the legislative body as a single body.

MR. THOMAS: I understand delegate Long's point that the next section will define the composition. I would only like to point out that it would look awfully weird to first have the power vested in the Senate, and then have the Senate divided into two parts. That is not done anywhere else, to my knowledge. Usually, they say in the first section that the legislative power of the state shall be vested in the legislature, and then define the two, if it's going to be two.

I think that the presumption right now is that if you vote for the Senate, it's a foregone conclusion that can be changed in the next section. It's just that I've never seen a senate broken up into two parts.

PRESIDENT CASSELL: All right. Your amendment is in order, and you had the floor and you've got it again.

MS. HARRIS: May I be next, please?

PRESIDENT CASSELL: Yes, you may be next.

MS. HARRIS: I want a substitute.

MS. NAHIKIAN: Mr. President, I would offer an amendment that says that the legislative powers of the state shall be vested in two chambers which shall be called the state legislature.

(The motion was duly seconded.)

PRESIDENT CASSELL: It has been moved and seconded. This is an amendment? It seems to me that that is a substitute, all right?

MS. NAHIKIAN: Okay, a substitute.

PRESIDENT CASSELL: Okay. "The legislative powers of the State shall be vested in two" --

MS. NAHIKIAN: Chambers.

PRESIDENT CASSELL: -- "chambers, which shall be known as the state legislature."

MS. NAHIKIAN: "Which shall be known as the state legislature."

PRESIDENT CASSELL: Okay. Discussion? Harris?

MS. HARRIS: Yes. I have a substitute.

PRESIDENT CASSELL: Wait a minute.

MS. HARRIS: Wait a minute what?

PRESIDENT CASSELL: Now, she wants to speak on her motion.

Go ahead.

MS. NAHIKIAN: Okay. I realize that by introducing the substitute motion at this point, it puts the convention squarely on what I think will be one of the more important issues that we must come to grips with in terms of the

legislature.

I think that we have reflected on the committee's report, and on the fact that the committee made what I would consider an unusual choice for a state, and that unusual choice is, in fact, to create a unicameral legislature. We all know there's only one state in the Union that has a unicameral, and that is the state of Nebraska.

I think that one of the frustrations that we have faced as delegates in this convention is a lack of experience in having lived in a state government where, in fact, there are state structures. But the major reason for a bicameral form of legislature is so that there is some point of checks and balances between the two chambers of the legislature.

I have recently had a number of discussions with both people in my ward and around the city. I would like to share with the delegates the comment of one person who I think had some very important comments to say, and that was Ron Richardson, who is executive secretary of Local 25.

Ron pointed out that if we create a unicameral legislative body as proposed here, it is his feeling that the problems with a number of kind of common, everyday folks trying to get resolution at the legislative level would not be addressed, because we're essentially creating the same

structure we have now.

I wanted to share with the delegates the concern that they look very carefully at the need for checks and balances.

Now, just because we propose a bicameral form of legislature does not mean that it is going to be exorbitant in cost, because there are a number of ways to keep that cost down. It may, in fact, be that in a bicameral form of legislature they would not have to sit in session all the time.

A second point -- and I think that this is one of the more fundamental, and it's a principal point and it's a hard one that we wrestled with very hard in the Local Government Committee, and that is, basically, by choosing the unicameral form of legislature as has been recommended by the committee, the delegates are basically choosing a form of government in which we will have legislators, or in this case as is proposed, senators, who are basically professional and full-time people. It takes away the ability of regular, everyday citizens to actually have a decision-making role in forming legislation in this state that we are about to propose.

The principle that I ask you to address yourselves

to is whether or not you would rather have a state legislature that is essentially run by political professionals or whether you would rather have a state legislature in which common, everyday folks, like you or I or any of the other delegates or ANC commissioners in this state, could, in fact, have a participatory role in forming legislation.)

I think that that is the point of principle that the delegates have to be prepared to vote on in terms of this proposal. Thank you.

PRESIDENT CASSELL: From the committee, please, delegate Moore?

MR. T. MOORE: Mr. Chairman, I speak in opposition to the speaker. We concluded that the legislature should be organized in such a way as to make sure that legislative and political responsibility is concentrated; that public scrutiny and understanding is facilitated; that the procedures for the passage of bills are timely and are not difficult to follow.

In bicameralism, you have two sets of committees, two legislative calendars, two groups of party leaders. When two houses are controlled by different parties, there tends to be confusion.

I would like to speak briefly also about

unicameralism. Let's put it this way: the costs -- the money really makes a difference in how large the structure is. I think you know the population in the District of Columbia, and you know who comprises the population in the District of Columbia; that is, the majority.

Unicameral's small size will be conducive to the population of the District of Columbia. With a small membership body of one chamber, unicameralism would give us more effective leadership. With unicameralism, we could have one set of rules and one calendar.

The existing structure of our City Council, which is a one-house unit, could serve more or less as a guide -- something that the people are familiar with. The prevailing pattern of the functions, administration and actions of the City Council is familiar to the residents of the District of Columbia.

Unicameralism would normally consist of a small number of committees, rather than the excessive and redundant committees used in the bicameral system. Legislators will be more visible, thus more responsive and accountable in a small unicameral system.

Unicameral would be less costly -- smaller staffs, less office space, and less staff assistance. "Unicameral"

denotes an apparent easiness for residents to keep track of the legislators and find out what's going on. Bills will have to pass only one chamber in lieu of the two chambers in the bicameral system. Unicameral legislators, if possible, could be nominated and elected in a non-partisan manner.

Again, I'd just like to emphasize the cost. Salaries could be full-time in lieu of part-time. So, I ask you, fellow delegates, to please vote against this amendment on the floor.

MS. HARRIS: Mr. President, I would like to offer a substitute to the amendment, which states that that shall be two chambers. I'm concerned about the fact that out of the 50 --

MS. NAHIKIAN: Point of order, Mr. President.

PRESIDENT CASSELL: Point of order?

MS. NAHIKIAN: My motion is a substitute. Can you offer a substitute for a substitute?

MR. BALDWIN: No.

MS. HARRIS: You made an amendment to the original --

MS. NAHIKIAN: No. I did call it an amendment, but Mr. President did say, I believe, that this is more properly called a substitute.

PRESIDENT CASSELL: Well, I think her motion was a

substitute. The original motion simply called for a single legislative body, calling for a senate

MS. HARRIS: That's right.

PRESIDENT CASSELL: She has suggested in her motion that there be two houses, and that that be the legislature. That, to me, is a substitute motion.

MR. BALDWIN: That is a substitute.

PRESIDENT CASSELL: That is not an amendment; that is a substitute. So, you can now amend her motion.

MS. HARRIS: Okay. I'd like to amend the substitute. I'd like to amend it by stating that the legislative power of the state shall be vested in the legislature. It would seem to me that if we adopt --

MS. CORN: Point of order. That was tabled before, and therefore we have to take it off the table.

MS. HARRIS: It was not tabled before.

MR. COOPER: Yes, it was.

MS. CORN: Yes, it was.

MS. HARRIS: What was tabled was "Assembly."
"Assembly" was tabled.

MS. CORN: So was "Legislature." "Assembly" was defeated. "Legislature" was tabled.

MS. HARRIS: Gloria, would you shut up?

MR. ROTHSCCHILD: Move to take it off the table.

MS. CORN: I move to take it off the table.

PRESIDENT CASSELL: Mr. Vice President?

MR. BALDWIN: The motion to table -- even though it was out of order, but that's passed -- dealt strictly with a unicameral system. Delegate Nahikian is dealing with bicameral; one may also table that. They are entirely two different things.

MS. CORN: Point of order. When I said "Legislature," I specifically clarified it by saying if we adopt the language using "Legislature," that could mean a unicameral or a bicameral house. I certainly said that.

MR. BALDWIN: But the laying on the table did not deal with that.

MS. CORN: Yes, it did. It dealt with the use of the word "Legislature."

PRESIDENT CASSELL: All right; that has been resolved.

MS. CORN: What has been resolved?

MR. COOPER: Point of procedure, Mr. President. Mr. President, I understand our rules are silent on the motion to table. As Ms. Corn stated, her amendment to substitute the word "Legislature" was tabled. Therefore, if

we refer to Roberts Rules, which do prevail, they will clearly state that any time we table a motion, all motions on the floor at that point that could be contrary to the motion to table are then off the floor until that motion is untabled.

Therefore, I submit all of Section 1 should properly be off of the table at this point and not on the floor.

PRESIDENT CASSELL: Mr. Vice President, what is your ruling as the parliamentarian?

MR. BALDWIN: Yes, he's definitely right. The motion to table -- along with that motion, number one, you're tabling the main motion and all motions that adhere to that -- the amendment or anything. Once you table a motion, number one, you've got to state why you want this tabled. "I want to table this motion because I must catch a flight; I've got to leave in 20 minutes," or whatever. You're tabling it so that when it comes back, you'll be present. You must always state it.

Once you table a motion, delegate Cooper is right. Everything -- the main motion and all adhering motions -- is tabled, also; therefore, you cease discussion. In this particular case, they were discussing a unicameral system. All discussion regarding that unicameral system, including

that main motion, even though you voted on it, was improper; it had to be tabled.

Now, the discussion is definitely on a bicameral system. Any motion to table would be in order on a bicameral system; any motion to amend would be in order on a bicameral system. So, you should forget unicameral; we're talking about bicameral. That's what her motion is.

MS. EICHHORN: Point of order.

MR. BALDWIN: Delegate Nahikian's motion deals with a bicameral system.

MR. COOPER: Point of clarification, Mr. President.

PRESIDENT CASSELL: Point of order, delegate Eichhorn?

MS. EICHHORN: The language in the delegate's motion addressed only the name in Section 1.

MR. COOPER: Absolutely.

MS. EICHHORN: It did not address bicameral or unicameral.

MS. CORN: Point of order. That is not correct.

MS. NAHIKIAN: You can't interrupt a point of order.

MS. EICHHORN: I'd like to know if that then changes the interpretation of delegate Baldwin, if that is correct.

PRESIDENT CASSELL: Would you restate that, and would everybody else please be quiet? Delegate Eichhorn?

MS. EICHHORN: It was my impression that delegate Corn's motion was to change the name "Senate" to "Legislature."

MS. CORN: May I speak to that, please? That is not correct.

PRESIDENT CASSELL: I think what your indication is that what was tabled was a motion to change the name, but that does not necessarily refer to, nor does it table, consideration of the section.

MR. COOPER: Point of clarification, Mr. President.

PRESIDENT CASSELL: Mr. Parliamentarian?

MR. BALDWIN: Mr. President, as I understand it, the only thing on the floor is delegate Nahikian's motion. As I understand her motion, it's to deal with a bicameral system rather than a unicameral. The secretary can read the motion and let you know what is on the floor. I don't quite understand his discussion that deals with previous things. He keeps talking about unicameral.

The motion, as I understand it, that she placed on the floor dealt with a bicameral system, and then delegate Harris attempted to amend that motion, which is still dealing with a bicameral system. All the conversation regarding

unicameral -- I don't know how it got on the floor.

MR. COOPER: Point of clarification, Mr. President.

PRESIDENT CASSELL: Okay. Now, that last statement by the parliamentarian does not -- please, please -- that does not respond to delegate Eichhorn's question, but it makes sense.

MR. COOPER: What was the question?

PRESIDENT CASSELL: That's all right; you don't have to respond to the question.

What you've pointed out is that the motion on the floor is an appropriate motion. We're now discussing the motion by delegate Nahikian, as amended by delegate -- the Chair rules that it is appropriate. I would like to go ahead and vote.

MS. HARRIS: At the time I was halted, I was getting ready to put forth a substitute motion -- an amendment -- I'm sorry -- to the substitute, which was, "The legislative power of the State shall be vested in the Legislature," referring to two chambers, but not actually stating it.

MS. CORN: Point of order, Mr. President.

MS. HARRIS: It would not lock us into any decision before we fully discuss all the various structures that could be possibly useful.

MS. CORN: Point of order, President.

MR. COOPER: Point of order, Mr. President; point of urgent order.

MS. CORN: Point of order, Mr. President.

MR. COOPER: This is quite important.

PRESIDENT CASSELL: Hold on, hold on. That motion was seconded.

MS. NAHIKIAN: Yes.

PRESIDENT CASSELL: State your point of order, and state your point of order.

MS. CORN: My point of order is that --

PRESIDENT CASSELL: This is the last one for you, now, all right?

MS. CORN: When I used the word "Legislature" -- I'm sure if you have the court reporter read back from the transcript, she will tell you --

PRESIDENT CASSELL: I understand what you're saying.

MS. CORN: She will tell you --

PRESIDENT CASSELL: Don't try to out-shout me. When I tell you that I want to speak, I want you to be quiet and respect the Chair. Those are the rules. Everybody understands it; you'll have to obey that too. Now, let me

say to you I've already ruled on that, right or wrong, all right? There is a motion on the floor and we are voting on it. You can't go back.

MS. CORN: Then I'm going to challenge the Chair.

PRESIDENT CASSELL: Too late, too late, too late.

MS. CORN: Why is it too late?

PRESIDENT CASSELL: Your point of procedure, sir?

MR. COOPER: Mine was a point of order. Mr.

President, as Ms. Harris just stated in her motion, it would not entail the argument of unicameral versus bicameral; therefore, that would make Ms. Nahikian's out of order, or even not make hers an orderly amendment.

But I submit to you, Mr. President, that the original motion as set forth did not entail that argument either. It simply says -- and I'll read it, if I may -- "The legislative power of the State shall be vested in the Senate." It does not speak to the composition of that Senate.

Now, Ms. Corn's amendment to which she spoke, of course, substituted the word "Legislature" for the word "Senate."

MS. HARRIS: No.

MR. COOPER: The language would read, "The legislative power of the State shall be vested in the

Legislature," and that was tabled. Now, Ms. Harris' language substitutes the same word, "Legislature," for "Senate," and it would read exactly the same way. Her motion was tabled and, Mr. President, you would have to bring that motion off of the table in order to consider it because Ms. Harris' language that she offered in her amendment is precisely the same language that was tabled.

MS. HARRIS: No.

MR. COOPER: There is no difference.

PRESIDENT CASSELL: Okay. I understand your point; I understand your point. Would you restate the motion that has been seconded?

MR. COOPER: The motion that has been seconded --

PRESIDENT CASSELL: No, not you -- all right, you can restate it.

MR. COOPER: Well, that's my job. The motion that has been seconded is Ms. Harris' amendment that would substitute the word "Legislature" for the word "Senate."

MS. HARRIS: No; the word "Assembly."

PRESIDENT CASSELL: There's a disagreement. Ms. Harris, would you restate your motion? Delegate Harris, what was your motion? How about addressing it to the Chair?

MS. HARRIS: "Legislature" for the word "Senate."

PRESIDENT CASSELL: Would you please restate the motion? Don't argue with the secretary. Please respond to the Chair and restate your motion in its entirety.

MS. HARRIS: Are you talking to me?

PRESIDENT CASSELL: Yes.

MS. HARRIS: "The legislative power of the State shall be vested in the Legislature."

MR. COOPER: That's exactly what was tabled, word for word.

MS. CORN: Excuse me, Mr. President; point of order.
(Pause.)

PRESIDENT CASSELL: Fellow delegates, let us come back in order. We haven't resolved this.

MR. TERRELL: I wanted to move that we table Section 1 --

MR. SCHRAG: Postpone.

MR. TERRELL: -- postpone Section 1 until we have dealt with Section 2, and then go back to Section 1.

MR. COOPER: Point of order. I've already pointed out that Section 1 is --

PRESIDENT CASSELL: There's a motion on the floor that we have to deal with, right? We've got to dispose of it in some way, right? The only way you can do that is to

table that, because there's a motion on the floor, all right?

MR. SCHRAG: A motion to postpone takes precedence under our rules, and then you can get rid of all of this.

MR. COOPER: Point of order.

MR. SCHRAG: Do Section 2, and then move back to Section 1. It's a precedential motion.

MR. COOPER: Point of order.

MS. HARRIS: I think we've got to do that.

MR. COOPER: Section 1 is already on the table anyway. Section 1 is already on the table, because when you tabled Ms. Corn's motion, you tabled all of the section.

MR. GARNER: Mr. Chairman?

PRESIDENT CASSELL: Yes?

MR. GARNER: If you would make a ruling -- and I don't care which way it goes -- just make a ruling. If somebody objects, let them move to override the Chair. Then we can publicly debate the ruling of the Chair, decide the issue, and get to the substantive point of do we want a unicameral or a bicameral legislature. Please, Mr. Chairman, rule one way or the other.

(Applause.)

PRESIDENT CASSELL: Okay. The Chair rules that Section 1, "The legislative power of the State shall be vested

in the Senate," has to do essentially with the name, all right? If we're concerned with the number of houses, that is taken care of in Section 2.

Therefore, Corn's motion was in order, all right? We're going to go back to Corn's motion, and Harris' motion and Nahikian's motion were not in order. Okay, let us go back to delegate Corn's motion now, which is, "The legislative power of the State shall be vested in the Legislature," and vote that up or down.

MR. COOPER: Point of order, Mr. President.

PRESIDENT CASSELL: Speak it.

MR. COOPER: Yes. I would only like to say, Mr. President, so that we can proceed orderly, that the only way we consider that is if you would entertain a motion to take it off of the table.

MS. CORN: I would so move. I would move to take it off the table.

(The motion was duly seconded.)

PRESIDENT CASSELL: It has been moved and seconded that we take that off the table. Those in favor, signify by raising your hands.

MR. COOPER: Twenty-six.

PRESIDENT CASSELL: Those opposed?

MR. COOPER: Five.

PRESIDENT CASSELL: Abstain?

(No response.)

MR. COOPER: It's off the table.

PRESIDENT CASSELL: Okay, now we have to go back to delegate Corn. Delegate Corn's motion now is in order. Do you want to make that motion again?

MS. CORN: Yes. I will move to substitute the word "Legislature" in place of the word "Senate" in the first section, and thereafter wherever it is appropriate.

PRESIDENT CASSELL: Second?

(The motion was duly seconded.)

PRESIDENT CASSELL: Was there a second?

MR. COOPER: It has been already seconded; it's brought off the table.

PRESIDENT CASSELL: It has been moved and seconded that, "The legislative power of the State shall be vested in the Legislature." Do we need to debate that anymore?

MR. JORDAN: Mr. Chairman, I call the previous question.

(The motion was duly seconded.)

PRESIDENT CASSELL: Okay. Those in favor of calling the previous question, signify by saying aye.

(A chorus of "ayes.")

PRESIDENT CASSELL: Opposed?

(No response.)

PRESIDENT CASSELL: Abstain?

(No response.)

PRESIDENT CASSELL: Okay. Are you ready for the vote that we change "Senate" to "Legislature?" Those in favor, raise your hands, please.

MR. COOPER: Seventeen.

PRESIDENT CASSELL: Opposed?

MR. COOPER: Sixteen.

PRESIDENT CASSELL: The motion carries.

Mr. Terrell?

MR. TERRELL: Mr. President, I move that we adopt Section 1, "Legislative Power," as amended by the convention.

(The motion was duly seconded.)

PRESIDENT CASSELL: It has been moved and seconded that we adopt Section 1, as amended. Those in favor, signify by saying aye.

(A chorus of "ayes.")

PRESIDENT CASSELL: Opposed?

(There were three "nays.")

PRESIDENT CASSELL: Abstain?

(No response.)

PRESIDENT CASSELL: Is it necessary to show hands?

MS. CORN: No.

PRESIDENT CASSELL: All right. Mr. Terrell?

MR. TERRELL: Section 2, "Composition of the Senate. The Senate shall be composed of a single chamber consisting of one member to represent each legislative district. The number of members shall be 24." Fellow delegates, I move the adoption of Section 2.

(The motion was duly seconded.)

PRESIDENT CASSELL: It has been moved and seconded that Section 2 be adopted as read. Discussion? Nahikian, Barnes.

MS. NAHIKIAN: Mr. President, I would offer an amendment to the first line, that it would read, "The Legislature shall be" --

MS. JONES: Point of order, Mr. Chairman.

PRESIDENT CASSELL: State your point.

MS. JONES: There's a minority report. We ask that we be allowed to make those amendments as they arise on the floor, please.

PRESIDENT CASSELL: You may.

MR. TERRELL: Mr. President, according to my records,

we have two minority reports.

PRESIDENT CASSELL: You have two?

MR. TERRELL: Yes.

PRESIDENT CASSELL: All right.

MR. LOVE: Mr. President?

MR. BALDWIN: Point of clarification.

PRESIDENT CASSELL: Point of clarification?

MR. BALDWIN: Yes. Based on delegate Corn's motion, Mr. President, everywhere "Senate" appears, you have to read it as "Legislature." That was part of her motion.

PRESIDENT CASSELL: Yes.

MR. BALDWIN: So, it should read, "Composition of the Legislature."

PRESIDENT CASSELL: Delegate Terrell, you have no problem with that, do you?

MR. TERRELL: No.

PRESIDENT CASSELL: Okay. Delegate Love?

MR. LOVE: Mr. Chair, this section actually contains three very important and different questions. One is whether we will have a single or two chambers, one is whether we will have single-member districts or multi-member districts, and one is the number of people that we will have in the single or double chamber.

Under the circumstances, it might be easier to divide the question on these so that we go through them one by one and so that we don't get complicated with people making amendments to each of the different three sections.

PRESIDENT CASSELL: Why don't you move it, then?

MR. LOVE: I'll move that.

(The motion was duly seconded.)

PRESIDENT CASSELL: It has been moved and seconded that we take each of the issues separately in Section 2. The first shall be, shall there be a single chamber consisting of one member to represent each legislative district. Was there a second to that?

MS. CORN: I seconded it.

PRESIDENT CASSELL: Okay. Discussion? Nahikian?

MS. NAHIKIAN: Mr. President, I have no problem with dividing. I just wanted to make it clear for the record that the amendment I was about to make would have addressed only one of the issues contained in this section. So, I would support the motion to divide.

PRESIDENT CASSELL: Further discussion?

MR. JORDAN: Mr. Chairman?

PRESIDENT CASSELL: Jordan?

MR. JORDAN: What's the issue that we have before

us now, just the question of dividing?

PRESIDENT CASSELL: Yes. Those in favor of dividing as described, show by a show of hands.

MR. COOPER: Twenty-six.

PRESIDENT CASSELL: Opposed to dividing the question?

MR. COOPER: Four.

PRESIDENT CASSELL: Abstain?

(No response.)

PRESIDENT CASSELL: The motion to divide carries, okay. "The Senate shall be composed of a single chamber consisting of one member" --

MR. LOVE: No; just "a single chamber."

MR. KAMENY: Just "a single chamber."

MS. HARRIS: Just "a single chamber" first, I guess.

PRESIDENT CASSELL: Okay. Discussion?

MR. COOPER: Mr. President, point of information.

PRESIDENT CASSELL: Oulahan?

MR. OULAHAN: Mr. President, I wanted to go back to something that delegate Moore said earlier. We're now going to decide whether or not we're going to have a \$2 million budget for a legislature or a \$1 million budget for a legislature. At the present time, D. C. Council members earn \$42,000 a year. If our delegates to the legislature become

full-time, with 24 people in the Senate we have a \$1 million budget.

All I'm trying to say is I think in the vote that is going to come up, we ought to think in terms of what this city can afford to pay, and I urge a single chamber, limited to 24 members.

PRESIDENT CASSELL: Delegate Barnes?

MR. BARNES: Yes. The single chamber is on the floor?

PRESIDENT CASSELL: That's right.

MR. BARNES: I would like to make a substitute motion, replacing "single chamber" with "two chambers."

(The motion was duly seconded.)

PRESIDENT CASSELL: It has been moved and seconded that "single chamber" be changed to "two chambers." Discussion?

MR. BARNES: Let me restate that. "The Legislature shall be composed of the Senate and the House of Delegates." I'm trying to facilitate two chambers.

PRESIDENT CASSELL: That isn't out of order. You can have a legislature which is called a senate and a house. If that's your motion, that's your motion.

MR. BARNES: "House of Delegates," yes.

PRESIDENT CASSELL: The motion is that, "The Senate shall be composed of" --

MR. COOPER: "The Legislature shall be composed of ..."

PRESIDENT CASSELL: All right. "The Legislature shall be composed of a House of Delegates and a Senate." Is that it?

MR. BARNES: Yes.

PRESIDENT CASSELL: Okay. Discussion? Talmadge Moore?

MR. T. MOORE: Yes, Mr. President. I want to speak in opposition to the motion on the floor. Presently, we have 13 legislators in the District of Columbia and they -- can I finish?

MR. JORDAN: Sure.

MR. T. MOORE: I can't finish?

PRESIDENT CASSELL: Please proceed.

MR. T. MOORE: Okay. Presently, Mr. President, we have 13 legislators in the District of Columbia who legislate for approximately 635,000 people. If we have two houses, I'm concerned as to what the voters are going to do when they go to the polls.

We recently increased the judges. Now, we're going

to increase the chambers to two chambers. Normally, the lower house is much more, in composition, than the upper house. If you have a senate and a house of representatives, that's going to almost triple the amount of people as legislators. Now, who is going to pay for all of this?

I want the delegates to really think about this: think about your structure and think about your costs, and think about the personnel that you have in the District of Columbia and what grades they have and how much money they are making.

PRESIDENT CASSELL: Nahikian, Jordan, Blount, Corn.

MS. NAHIKIAN: Mr. President, I would like to speak in favor of delegate Barnes' motion. It is similar in principle to the motion that I had made earlier, which was to move toward a bicameral legislature.

I have listened very carefully to the comments from delegate Moore, as well as from delegate Oulahan. I understand the concern about cost, but I think that the delegates need to think a little more creatively than assuming that every member of both the House of Delegates and the Senate would be paid \$42,000 a year.

For example, in testimony before the Local Government Committee, the Mayor of Glenarden, Maryland, who is a

black mayor -- the township itself is a minority town for the most part -- talked about the fact that as the mayor, he was paid only on a part-time basis, about \$5,000 a year. Their city council members are also paid on a part-time basis and they do not sit in session 24 hours a day.

The question becomes, once again, that the delegates must wrestle with, in principle, whether or not we would prefer a state legislature that common, everyday folks can participate in in a participatory legislative way instead of just in a representative way by requiring that all the members of the legislature be paid \$42,000 a year. There is no requirement that that happen.

In fact, if you examine the state legislatures of most of the constitutions of the states, you will find that, by and large, members to a house of delegates or to a senate are not in session full-time. Consequently, I would urge the support of delegate Barnes' motion.

PRESIDENT CASSELL: Jordan, Blount, Corn.

MR. JORDAN: Yes. Mr. Chairman, I rise to oppose the proposal that has been introduced. I think if history has any value at all, it should serve us this evening in considering why we have a two-house system. It's an outgrowth of the House of Commons and the House of Lords in England,

and it was adapted in this country, but we know there what the purpose of it was. I think it's very clear when we talk about a House of Commons and a House of Lords.

It was designed in England, and it has been carried over in this country, to provide an undue advantage to the money interests. I think we would be remiss if we did not consider our history and the fact that the revolution in this country was not promoted by the poor and the downtrodden, but rather led by the rich land owners and those who were in power.

The two-house system was designed to promote the interests of those who were land owners and powerful. When someone says to me that we need checks and balances and that it's maintained by a two-house system, I would just raise the question, in whose interests are we trying to function? Whose checks are we trying to balance?

Admittedly, we are trying to bring the government closer to the people, and I think that if we have a legislature that has a house that is close to the people, we will best serve the people and find it is most responsive to the people. I think if we create another body that is going to be an elitist body and is going to be above the common body, then, in turn, they will function that way and it won't bring the

government closer to the people, but it will take it away.

So, in that respect, using the historical analysis, I think that we need to vote against the proposal.

PRESIDENT CASSELL: Blount?

MS. NAHIKIAN: Point of information. Could I ask delegate Jordan a question about his --

PRESIDENT CASSELL: That was kind of long. Let's go on. Delegate Blount?

MR. BLOUNT: Mr. Chairman, it seems to me that some of the delegates seem to be trying to carve out positions for themselves in the future. I would remind them that --

PRESIDENT CASSELL: Are you sure that's on the subject now? That's an opinion.

MR. BLOUNT: I would remind them that they are predicting that the constitution may take ten years to pass. Also, one common sense reason as to why we should vote against this amendment: I would ask the delegates the question, can you imagine 45 delegates like us in both the senate and the house? Just think about that.

(Applause.)

PRESIDENT CASSELL: Delegate Corn has the floor, and then delegate Long.

MS. CORN: With all due respect to delegate Blount

and his last comment, believe me, I thought about that. But in the end, I still would support strongly a bicameral house for a number of reasons.

When delegate Talmadge Moore talks about effective leadership and the power being concentrated in a unicameral house, that is the very thing I fear. You could, for very less money, have just one person and pay him over \$300,000 a year. Then you've got the most concentrated power. Is that what we want? I don't think so.

I maintain that a bicameral house need not cost very much. Legislators do not have to be full-time, professional politicians removed from the world that the rest of us inhabit, with the normal concerns and worries that we have. They do not have to cost a lot of money. They can be paid, for the lower house, 2 or \$3,000 a year, and for the upper house, 10 or 15,000.

Also, I might say, in a bicameral house you usually have the upper house concentrating very much more carefully on legislation, and the lower house members concentrating more carefully on constituent needs and delivery of constituent services.

Moreover, and finally, I would say this: if you want to be a state, look like a state. Every state except

Nebraska is bicameral. Do you want to be the exception to the rule?

PRESIDENT CASSELL: All right, okay. Delegate Long is the final speaker. It's time to vote on this issue.

MR. LONG: Mr. President, there has been a red herring raised on the question of the salaries. We have not decided the salaries in any way, shape or manner. We are deciding now whether this is going to be one house or two. The salary question is completely different.

This committee struggled with the question a long time as to whether it should be one house or two. We came down on a unicameral legislature because of accountability. There's nothing more conducive to playing games than having two houses in a legislature.

The senate president says, "Hey, we've got a bill over here we're going to have to pass for senator so-and-so. Can you kill it in the house?" "Yes." It passes; no problem. We want people to be able to follow who is voting for what and why. There's no dual committee system where bills can get lost. They have to treat the thing as it comes.

Every common citizen should be able to understand the flow of legislation from committee to the floor without worrying about the dual house system. So, I'm strongly in

favor of a single-house legislature which will allow for the maximum accountability of the legislators and let the voters know who is supporting their wishes.

PRESIDENT CASSELL: The Chair will allow the chairman of the committee to make the last statement.

MR. TERRELL: Fellow delegates, as was stated by delegate Long in terms of accountability, and the points made by delegate Moore in terms of the District, I just needed to mention to you that the committee labored a great deal over the issue of unicameral or bicameral. We looked at all the various issues involved, talked to a lot of experts, and believed that we had arrived at a decision that would, in fact, meet the needs of the city of Washington as it stands now, and later as a state.

In terms of precedent -- and delegate Jordan mentioned history -- I think we also need to look at what happens in the present day and time. We talk about the common folks and their interests. But, yet, if we look at the standard in this country, the U.S. Senate and the U.S. legislature, which becomes the model for other legislators, we know that there are a lot of contradictions within that, and those contradictions are around class lines, they are around sex lines; and perish the thought, but they are also around

racial lines.

We thought that in terms of the District of Columbia, we would, in this kind of unicameral body, give every citizen, the way it stands now, an opportunity to serve the people in that kind of structure.

PRESIDENT CASSELL: The maker of the motion has not yet had an opportunity to speak. Delegate Barnes, and then we'll vote.

MR. BARNES: Yes. I don't want to belabor the point, but I'd like to respond to some of the issues brought up. First of all, the reason that I'm advocating a bicameral system is precisely the opposite of what has been mentioned by delegate Jordan.

If you look at the committee's present proposal, to me that is an elitist legislature. What I'm trying to do is say, okay, you can have one house that is full-time, high-paid, and doesn't represent too many people. But you also should have a people's council -- a body that represents the neighborhood leaders who, right now, do not have input into the current city government.

In this way, you could save money, so I don't think money is an issue because the members of the house could be paid nominal salaries.

Second of all, I'm concerned about the Local Government proposal, as it stands now, not mandating these kinds of neighborhood offices, and I think that the House of Delegates can make up for this.

My last point is that every lecturer we've had from both schools, George Washington and Howard, have mentioned the fact that the unicameral system is, plainly stated, weird, and only one state in the United States has that system.

PRESIDENT CASSELL: All right. The motion we're considering is Section 2; it has been divided into three parts. The first part is, "The Legislature shall be composed of a single chamber," and that has been amended by delegate Barnes to read, "the Senate and House of Delegates." You are voting on whether it shall be a Senate and House of Delegates. If you vote "yes," that's what it'll be; if you vote "no," there shall not be those two houses.

Those people in favor of the amended motion -- "The Legislature shall be composed of a Senate and a House of Delegates" -- signify by raising your hands.

MR. COOPER: Eighteen.

PRESIDENT CASSELL: Nineteen.

MR. COOPER: Nineteen.

PRESIDENT CASSELL: Those opposed?

MR. TERRELL: Mr. President, I ask for a roll call vote.

(The motion was duly seconded.)

MR. COOPER: Sixteen.

PRESIDENT CASSELL: The vote was 19 to 16. There has been a call for a roll call vote.

MR. COOPER: Abstain?

PRESIDENT CASSELL: I'm sorry; abstains, please.

(No response.)

MR. COOPER: He needs the support of four delegates for a roll call vote.

PRESIDENT CASSELL: There not having been four persons sustaining the request --

MR. LONG: Roll call.

MS. CORN: Roll call.

MR. COATES: Mr. Chairman?

PRESIDENT CASSELL: Yes?

MR. COATES: I stand to make the point that economic necessity does not permit a roll call vote.

PRESIDENT CASSELL: It does not suggest one, but it does not deny it.

MR. ROBINSON: Point of order.

PRESIDENT CASSELL: Four people have supported a roll call vote.

MR. ROBINSON: Point of order.

PRESIDENT CASSELL: Point of order, delegate Robinson?

MR. ROBINSON: Mr. President, I question the calling of a roll call vote at such time as the actual vote had already taken place.

PRESIDENT CASSELL: Our rules indicate, delegate Robinson, that it can be made at that time. I question the wisdom of spending the money, but nobody listens to the will of the Chair. It has to be on the record.

It's not the time, delegate Love -- it's not the time; it's the number of pages that it takes. Mr. Secretary?

(Secretary Cooper called the roll as follows:)

Delegate Feeley --

MS. FEELEY: I vote in favor.

PRESIDENT CASSELL: In favor is a "yes" vote; if you would say yes or no.

MS. FEELEY: I'm sorry; yes.

MR. COOPER: Yes, no, or its equivalent; pass or abstain.

(Secretary Cooper continued the roll call as

follows:)

Delegate Freeman --

MS. FREEMAN: What are we voting on?

MR. ROTHSCHILD: I can't hear.

MS. FREEMAN: I'm voting for a bicameral.

MR. COOPER: That's not a valid vote.

MR. LOVE: Say yes.

MS. FREEMAN: Yes.

(Secretary Cooper continued the roll call as follows:)

Mr. Garner, no; Ms. Graham, yes; Ms. Harris, yes; Ms. Holmes, yes; Mr. Jackson, yes; Ms. Johnson, no; Ms. Jones, yes; Mr. Jordan, no; Mr. Kameny, no; Ms. Lockridge, no response; Mr. Long, no; Mr. Love, pass; Ms. Maguire, no; Mr. Marcus, no response; Mr. Mason, no response; Ms. Mason, no response; Mr. B. Moore, no; Mr. J. Moore, no response; Mr. T. Moore, no; Ms. Nahikian, yes; Mr. Nixon, no; Mr. Oulahan, no; Ms. Paramore, no response; Mr. Robinson, pass; Mr. Rothschild, pass; Mr. Schrag, no; Ms. Shelton, yes; Ms. Simmons, no response; Ms. Street, no response; Mr. Terrell, no; Mr. Thomas, no response; Ms. Warren, no; Mr. Baldwin, yes; Mr. Barnes, yes; Mr. Blount, no; Mr. Bruning, yes; Mr. Clark, no response; Mr. Coates, pass; Mr. Cooper, yes; Ms. Corn, yes; Mr. Croft,

yes; Ms. Eichhorn, no; Mr. Love, yes; Mr. Robinson, no; Mr. Rothschild, yes; Mr. Coates, no; Mr. Cassell, yes.

MS. FREEMAN: Mr. Chair, I would like to make a point of personal privilege and change my vote. The roll call has not yet been announced.

MR. COOPER: Mr. President?

PRESIDENT CASSELL: Hold on.

MS. FREEMAN: The announcement has not yet been made.

MR. COOPER: We were in the middle of a vote.

MS. HARRIS: She was counting; you can't do that. She counted.

MS. FREEMAN: Any delegate may vote on a roll call vote until such time as the President announces the results.

MR. COOPER: You voted. It doesn't say you can vote twice.

MS. FREEMAN: I'm changing my vote.

PRESIDENT CASSELL: I don't see a provision either in the rules from our delegation or from Roberts Rules for changing the vote.

What is the vote?

MR. COOPER: Mr. President, the tally stands as follows: 18 in favor, 17 not in favor.

MS. FREEMAN: Mr. Chair, I made a point of personal privilege.

MS. SHELTON: She cannot do that at the end of the roll call.

PRESIDENT CASSELL: Delegate Shelton?

MS. SHELTON: Mr. Chair, while we honor and respect the delegate's desire, we had two calls of the roll and it would have seemed appropriate at that time. We did not get any indication either from the floor or any unreadiness on the part of the delegate to vote. If we had sensed any unreadiness -- we therefore suggest to the Chair that the request to change the vote should be ruled by the Chair as out of order at this time.

PRESIDENT CASSELL: The Chair has already so ruled. Mr. Terrell?

MS. FREEMAN: Mr. Chair?

MS. HARRIS: Mr. Terrell, he recognized you to go right on.

PRESIDENT CASSELL: Delegate Blount?

MR. BLOUNT: I move to appeal the decision of the Chair.

PRESIDENT CASSELL: Second? Is there a second?

(The motion was duly seconded.)

PRESIDENT CASSELL: It has been moved and seconded that the Chair's decision that it is out of order to --

MS. HARRIS: That's out of order.

MS. JOHNSON: He can appeal a decision of the Chair.

MS. HARRIS: That's in order.

MS. FREEMAN: Mr. Chair, I would just like to say --

PRESIDENT CASSELL: Wait a minute; not everybody. I can only hear one at a time.

MS. HARRIS: You can't change like that; that's not right.

MS. FREEMAN: I have a right to change my mind.

(Simultaneous discussion.)

PRESIDENT CASSELL: There is a motion on the floor.

MR. JORDAN: Point of order, Mr. Chair.

MS. SHELTON: We don't need all that; the Chair has ruled.

MR. JORDAN: Point of order, Mr. Chair.

(Pause.)

PRESIDENT CASSELL: There is a motion on the floor. I'll recognize you after we dispose of the motion that's on the floor. The motion on the floor is to appeal the ruling of the Chair. Those in favor of appealing the ruling of the Chair, indicate so by raising your hands.

MS. FREEMAN: Mr. President?

MR. COOPER: Could the hands please be up and remain up?

MS. HARRIS: You can't recognize anybody. We're in a vote; don't recognize in a vote.

PRESIDENT CASSELL: Mr. Secretary, would you count?

MR. COOPER: If they can keep their hands up. They are scaring me.

MS. EICHORN: He has the right to defend that motion. You have the right to defend your ruling.

MS. HARRIS: He doesn't have to do it.

PRESIDENT CASSELL: He hasn't asked for an opportunity. Would you keep your hands up, please, so that we can count the votes?

MS. MAGUIRE: Mr. Chair, they don't know what they are voting for.

PRESIDENT CASSELL: Oh, I think they know what they are voting for. There are hands up; you've got yours up.

MS. MAGUIRE: I know what I'm voting for, but there's no order in the house.

MR. BALDWIN: If you'd keep quiet, we'd have some order.

MS. MAGUIRE: There is no order in this house.

PRESIDENT CASSELL: Delegate Maguire, please.

MR. COOPER: Nineteen.

PRESIDENT CASSELL: Those opposed to overruling the
Chair?

MR. COOPER: Fifteen.

PRESIDENT CASSELL: Sixteen.

MR. COOPER: Sixteen. You can't vote.

PRESIDENT CASSELL: Who says I can't vote?

MR. COOPER: You can't vote.

PRESIDENT CASSELL: Okay. The Chair has been
overruled.

MR. COOPER: No, sir; it takes two-thirds.

MS. HARRIS: It takes two-thirds' vote.

MR. COOPER: Nineteen, sixteen.

MS. HARRIS: It takes two-thirds. Move to the next
section.

PRESIDENT CASSELL: There not having been a two-
thirds vote, the Chair is reminded that the motion to appeal
loses and the Chair is sustained.

Delegate Terrell?

MR. JORDAN: Mr. Chair?

PRESIDENT CASSELL: Delegate Jordan?

MR. JORDAN: Mr. Chair, I don't want to belabor the

point.

MS. SHELTON: What is the nature of his point of order, Mr. Chair?

MR. BALDWIN: Please state your point of order.

MS. SHELTON: Please state the nature of the point of order, Mr. Chair.

MR. JORDAN: The point of order, delegates, is that Roberts Rules of Order do provide for a delegate to change their vote. We say if our rules don't speak to it --

MS. SHELTON: The point of order is out of order, Mr. Chair.

PRESIDENT CASSELL: Delegate Jordan, I would rule that out of order because the body has taken action, all right?

May we dispose of this, delegate Freeman?

MS. FREEMAN: No.

MR. COOPER: We have disposed of it.

MS. FREEMAN: I'm pretty upset because, I mean, I was in the back of the room.

MS. SHELTON: Delegate, may I --

PRESIDENT CASSELL: That's out of order.

MS. HARRIS: What's the point of order.

MS. FREEMAN: I was never once given an opportunity

to speak.

MS. HARRIS: What's the point of order?

MS. FREEMAN: I made a point of personal privilege. Not at one point was I given the opportunity to speak.

PRESIDENT CASSELL: Delegate Terrell?

MR. BALDWIN: Orders of the day.

MS. FREEMAN: Point of order.

PRESIDENT CASSELL: All right. Delegate Terrell, do I have your attention? Would you please stand so that you and I can talk? I am requesting that you present your next section.

MR. TERRELL: We're not ready; we've got the other part of that to do.

MR. BALDWIN: You can't tell the Chair he's not ready.

MR. TERRELL: No; that's what I'm saying. According to my understanding, we had divided the question.

MS. HARRIS: So, read the second part.

MR. TERRELL: I don't know what the second part is.

PRESIDENT CASSELL: All right. I'll read it, then. The next item is the second part of Section 2. The second part of Section 2, having been divided, is "consisting of one member to represent each legislative district." Let me repeat this,

ladies and gentlemen. We have divided Section 2. We have voted on the first third. The second third reads, "consisting of one member to represent each legislative district."

Is there any discussion on that?

MR. COOPER: Yes.

PRESIDENT CASSELL: Okay. Cooper, Rothschild.

MR. COOPER: Since I have some notations to make on the record, I'd like to pass and be recognized later.

PRESIDENT CASSELL: All right. Delegate Rothschild?

MR. ROTHSCHILD: I would like to move that instead of --

MR. LONG: Can't hear you.

MR. ROTHSCHILD: Now that we have two chambers, I would like to move --

PRESIDENT CASSELL: Now, I can't hear delegate Rothschild. Delegate Rothschild has the floor. We are on the second part of Section 2; having dealt with the first third, we're dealing with the second third. Delegate Rothschild has the floor.

MR. ROTHSCHILD: I'd like to move that the following language be after the section that we just approved, the language that we just approved.

PRESIDENT CASSELL: I'm afraid that we can't continue

with the dialogue on the side which makes it difficult for the President to hear, and I'm sure that the body cannot hear the speaker who has the floor.

Delegate Rothschild, would you come to the front and take the microphone? Perhaps we'll be more successful.

MR. B. MOORE: Mr. President, I move for a five-minute recess.

(The motion was duly seconded.)

MR. COATES: Point of order, Mr. Chairman.

PRESIDENT CASSELL: Yours didn't get a second.

MS. HARRIS: Yes, it did.

PRESIDENT CASSELL: State your point of order.

MR. COATES: Our rules state that upon first reading of a proposed article, the committee chairs shall report proposed articles. There's no provision under the rules for the President of the convention to report proposed articles to the convention.

PRESIDENT CASSELL: The Chair thought that he could --

MR. COATES: Unless we amend the rules, sir, our procedure is out of order.

MR. COOPER: Point of order, Mr. President. There is no restriction in our rules for the President reporting